

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

DEMETRIUS THOMAS,

Petitioner,

v.

CIVIL ACTION NO. 3:16-2049
(Criminal Action No. 3:14-00045-01)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Currently pending before the Court is Petitioner's application for a certificate of appealability. ECF No. 113. Petitioner, a federal prisoner, seeks to appeal this Court's Order of February 28, 2019, denying relief on his petition filed under 28 U.S.C. § 2255. This Court has once again reviewed the record and concludes that Petitioner has not made a substantial showing of the denial of a constitutional right and has not presented issues "adequate to deserve encouragement to proceed[.]" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893, n. 3 (1983)). *See also Miller-El v. Cockrell*, 537 U.S. 322 (2003). Accordingly, Petitioner's application for a certificate of appealability is **DENIED** and the appeal is **DISMISSED**. *See* 28 U.S.C. § 2253(c).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the U.S. Attorney's Office, the U.S. Probation Office, and the U.S. Marshal's Service.

ENTER: April 24, 2019


ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE